

WYOMING DEPARTMENT OF FAMILY SERVICES	CHAPTER: Permanency POLICY: Establishing a Legal Guardianship POLICY NUMBER: 3.3.1
EFFECTIVE DATE: January 14, 2013	Current: 1/13 Revised: 10/02, 3/10, 1/13 Original: 2/99

A. Purpose

The Attorney General’s (AG) office provides legal assistance to the Department of Family Services (DFS) to establish legal guardianships for child(ren)/youth in DFS custody. The AG’s office reviews legal guardianship requests for appropriateness and prepares all necessary petitions and filings. This policy outlines the procedures to make a referral to the AG’s office for assistance in establishing a legal guardianship.

B. Procedure

1. Once a determination is made to proceed with legal guardianship or a court orders DFS to proceed with legal guardianship, the DFS Caseworker shall **immediately** complete and submit a *Notification of Guardianship Request (F-SS47b)* to the AG’s office. Requests to establish a permanent legal guardianship for a child(ren)/youth who will emancipate from care and is unable to manage his/her own affairs due to a developmental and/or emotional disability shall be submitted to the AG’s office at least six (6) months prior to the child(ren)/youth turning 18 years old. The DFS Caseworker shall review the file for completeness and make sure the file is up-to-date.

2. The DFS Caseworker shall complete and submit the *Guardianship Information Sheet (F-SS47c)* to the AG’s office within seven (7) calendar days of submitting the *Notification of Guardianship Request* (if the information was not previously submitted to the AG’s office with the *Notification of Guardianship Request*) along with copies of:
 - a. Original juvenile court petition;
 - b. Current order maintaining the child(ren)/youth in DFS custody;
 - c. Current Multi-Disciplinary Team (MDT) report;
 - d. Current *Family Service Plan (F-SS9b)* and/or *Youth Empowered Success (YES) Case Plan*¹ indicating permanency goal(s) and why legal guardianship is appropriate;
 - e. Copy of the home study or home study update on the prospective legal guardian(s). (This is not needed if legal guardianship request is for an emancipating child(ren)/youth); and
 - f. If a permanent legal guardianship is being requested for an emancipating child(ren)/youth, attach documentation from a physician the child(ren)/youth is unable to manage his/her own affairs.

3. The AG’s office will review the information and make a determination if legal guardianship is legally appropriate. The DFS Caseworker shall communicate monthly with the AG’s office regarding the status of the legal guardianship. If legal guardianship is appropriate, the AG’s

¹ Family Services Plan/YES Case Plan Policy 1.6

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office will draft a *Petition for Guardianship, Consent to Guardianship* for the parent(s) and an Affidavit and Consent to Guardianship for the proposed legal guardian(s). These documents will be sent to the DFS Caseworker.

4. The DFS Caseworker shall obtain the signature of the prospective legal guardian(s) and parent(s) on the appropriate document within two (2) weeks of receipt and return the signed documents to the AG's office. If signature(s) cannot be obtained within two (2) weeks, the DFS Caseworker shall immediately inform the AG.
5. Once the signed documents are returned to the AG's office, it will file the Petition for Guardianship and proceed with obtaining an Order appointing Guardian. If a hearing is required, the AG's office will notify the DFS Caseworker of the date and time of the hearing. If it is to be a contested legal guardianship, the AG's office will meet with the DFS Caseworker at least two (2) to four (4) weeks before the hearing.